



# NIXON PEABODY LLP

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October 10, 2003

**VIA E-MAIL, FACSIMILE  
AND FEDERAL EXPRESS**

Mr. Branden Blum  
Senior Counselor  
c/o Office of Assistant General Counsel for Ocean Services  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
1305 East-West Highway  
SSMC-4, Room 6111  
Silver Spring, MD 20910

**RE: Scheduling in the Appeal of Islander East Pipeline Company, L.L.C.,  
From an Objection by the State of Connecticut, Department of  
Environmental Protection to a Consistency Certification for the Islander  
East Pipeline Project**

Dear Mr. Blum:

As you are aware, Islander East Pipeline Company, L.L.C. ("Islander East") has filed an administrative appeal with the Department of Commerce seeking a federal override of the State of Connecticut's Objection to Islander East's proposed natural gas pipeline. The Federal Register announcement dated October 3, 2003 indicates that the Public Comment period will be closed on November 20, 2003. (68 Fed. Reg. 57427, October 3, 2003). Pursuant to the Department's regulations, it is anticipated that the Secretary will publish a notice in the Federal Register after the third week in December stating that the decision record is closed. 15 C.F.R. § 930.130(a). This leaves open the question of when the reply briefs will be required.

In a letter from Karl D. Gleaves, Assistant General Counsel For Ocean Services, dated January 10, 2003 the parties were advised that each party will have an opportunity to file a reply brief before the record closes. Accordingly, we request that the Department set the briefing schedule for reply briefs at this time.

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As you are aware, Islander East filed its initial brief on February 10, 2003 and a supplemental brief on August 20, 2003. Thereafter, the State of Connecticut filed its brief in opposition on October 4, 2003. In view of the proceedings to date, we would propose the following:

- Islander East Reply Brief due November 10, 2003.
- State of Connecticut Reply Brief due December 10, 2003
- Islander East Sur-Reply Brief if necessary due December 19, 2003
- Decision Record closed, December 20, 2003.

We look forward to hearing from you and are available for a telephone conference with all parties if that would be helpful.

Respectfully submitted,



Frank L. Amoroso

FLA:mm

cc: Connecticut Attorney General's office  
Attn: David Wrinn, Esq.

Thomas L. Stanton, Jr., Esq.  
Islander East Pipeline Company, LLC